

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA

VS.

DYCSA GIRON-PINTO

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CRIMINAL NO: 4:22-CR-00312-3

**MEMORANDUM IN SUPPORT OF DEFENDANT'S
MOTION FOR THE GOVERNMENT TO GIVE NOTICE OF
ITS INTENTION TO USE EVIDENCE OF OTHER CRIMES, WRONGS
OR BAD ACTS UNDER FED. R. EVID. 404(B)**

Effective December 1, 1992, Rule 404(b), Fed. R. Evid. reads as follows:

(b) other crimes, wrongs, or acts. Evidence of other crimes, wrongs, or acts is not admissible to prove the character of a person in order to show action in conformity therewith. It may, however, be admissible for other purposes, such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident, provided-that upon request by the accused, the prosecution in a criminal case shall provide reasonable notice in advance of trial, or during trial of the court excuses pretrial notice on good cause shown, of the general nature of any such evidence it intends to introduce at trial.

The amendment to Rule 404(b), reflected in the underlined portion above, "adds a pretrial notice requirement in criminal cases and is intended to reduce

surprise and promote early resolution on the issue of admissibility." Committee Note to Rule 404(b).

Respectfully submitted,

By: /s/ Anthony P. Troiani

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CERTIFICATE OF SERVICE

I, Anthony P Troiani, Attorney for Defendant, DYCSA GIRON-PINTO hereby certify that a true and correct copy of said Memorandum has been served on to Hon. Celia Moyer, Assistant United States Attorney at 1000 Louisiana, Suite 2300, Houston, Texas 77002 on this the 4th day of January 2023.

/s/ Anthony P. Troiani
Anthony P. Troiani

CERTIFICATE OF CONFERENCE

Furthermore, I have attempted to discuss this matter with opposing counsel, and no agreement on the motion could be reached.

/s/ Anthony P. Troiani
Anthony P. Troiani